IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 11072 OF 2007

DATED: 30-05-2007

BETWEEN:

M/s. Tanishq Jewelers & Watches,
Opp: Paradise Hotel, Secunderabad,
Rep., by its Manager, Sri V.V. Muralidhar,
S/o, V.H. Sharma, aged about 40 years,
R/o. Hyderabad

.....Petitioner

AND

The Municipal Corporation of Hyderabad,
Rep., by its Commissioner, Tankbund Road,
Hyderabad and two others

.....Respondents

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 11072 OF 2007

ORDER:

The writ petition is filed for issuance of a writ of mandamus declaring the action of the respondents in treating the name board/board fames fixed by the petitioner on the parapet wall of its business place are as covered by Section 421 of the Hyderabad Municipal Corporation Act, 1955 (for short, the Act') and consequently demanding fee vide proceedings dated 24-4-2007 in serial No.21773/No.438/Advt./MCH/2006-2007 for the same as illegal, arbitrary, without jurisdiction and violative of principles of natural justice.

The case of the petitioner is that it is carrying on jewellery and watches business in its premises by erecting the name board to the shop on the parapet wall by paying all necessary taxes etc., to the authorities concerned. While so, respondent Nos. 1 and 2 through respondent No.3 issued proceedings dated 24-4-2007 alleging that the petitioner has erected advertisement without obtaining prior permission from the respondent – Corporation and without paying advertisement fee as required under Section 421 read with Section 622 of the Act and the rules framed thereunder. Respondent No.3 has directed the petitioner to pay the amount covered by the impugned proceedings by way of demand draft in its favour within seven days from the date of receipt of the said proceedings. It is also the case of the petitioner that respondent No.3 specified that it is the authorised advertisement fee collection agent of the respondent – Corporation and that the advertisement fee for the signage displayed for the year 2006-2007 has to be paid, failing which action will be initiated in accordance with the provisions of the Act. It is the further case of the petitioner that there is no provision under the Act under which the Commissioner can entrust the assessment and collection of taxes to a

private agency. The private agency has no jurisdiction to perform the statutory duties of the Corporation.

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent – Corporation. Both the counsel have stated that the subject matter of the present writ petition is covered by order dated 9-5-2007 passed by this Court in Writ Petition Nos. 10211 and 10212 of 2007, wherein this Court while setting aside the impugned notices remanded the matter to the Corporation to give an opportunity to the petitioners to make their representations and the Corporation was directed to consider and look into such objections which would be raised by the respective petitioners and pass appropriate orders in that regard in accordance with law, and such representations be made as early as possible preferably within a period of four weeks and the Corporation shall take an early decision in relation thereto thereafter.

Accordingly, the writ petition is allowed in terms of the aforesaid order.

G. CHANDRAIAH, J

30-05-2007
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Note: Furnish CC in two days.
B/O